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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

In re V.B., a Person Coming
Under the Juvenile Court Law.

B292141

THE PEOPLE,

Los Angeles County
Super. Ct. No. VJ45973

Plaintiff and Respondent,

v.

V.B.,

Defendant and Appellant.

APPEAL from a judgment of the Superior Court of
Los Angeles County, Fumiko Hachiya Wasserman, Judge.
Affirmed.

Courtney M. Selan, under appointment by the Court
of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

On September 5, 2017, the police detained V.B., who was 15 years old at the time. On September 7, 2017, the district attorney filed a petition under section 602 of the Welfare and Institutions Code alleging two counts of second degree robbery, a felony, in violation of Penal Code section 211 against V.B. V.B. denied the allegations.

V.B. was ineligible for deferred entry of judgment. The court ordered V.B. to remain detained at the detention hearing, but ordered him released to his mother on the community detention program on September 27, 2017.

The petition's adjudication began on July 30, 2018. The victims, J.R. and G.R., testified. On September 5, 2017, J.R. and his sister, G.R., were walking home from school. J.R. saw three young men walking about 30 to 40 feet behind them. He and G.R. identified V.B. in the courtroom as one of those individuals. J.R. saw one of the young men put on a sweater. When he looked again the group was closer, about 10 to 15 feet away. J.R. noticed the group was picking up its pace and decided to turn the corner to walk through a parking lot near a school.

The group then was close behind the siblings, and J.R. heard V.B. say, "Hey, Cuz. Let me get that." J.R. believed V.B. meant the laptop he was carrying for his sister. V.B. was about five to 10 feet from J.R. At that point, the male wearing a sweater—a "hoodie" to cover his face—got in front of J.R. and his sister as if to stop them. J.R. grabbed his sister and moved around the individual.

J.R. then gave the laptop to his sister, so he could defend G.R. and himself, and told G.R. to run. G.R. began to run through the parking lot, and the male with the hoodie chased after her.

At that point, V.B. grabbed J.R. by his backpack, pulled him back, and then punched him in the lower right jaw. J.R. saw

it was V.B. who had hit him when V.B. pushed him against a gate and J.R. looked up. He testified no one else was close enough to him to have hit or pushed him. J.R. could see the third individual off to his left, standing as a lookout; he was looking around to see if anyone was coming.

J.R. could see that the male with the hoodie had caught up to G.R. and grabbed the laptop out of her hands. G.R. testified she was seven feet or so from her brother at the time. G.R. said she was holding the laptop against her body with both hands with her arms crossed across her chest. She and the male struggled over the laptop until G.R. lost her grip. The male grabbed the computer and ran off with it. V.B. and the lookout also ran, following the male with the hoodie.

After V.B. shoved J.R. into the gate, J.R. got himself loose from his backpack and ran to try to get the laptop back.¹ J.R. ran toward his sister, who was crying, to comfort her. The siblings walked home, which took 10 to 20 minutes, and J.R. then called the police.

The police arrested V.B. and his friends and brought J.R. and G.R. to where they were in the field, about an hour later. J.R. sat in the back of the police car. The police told J.R. “to make sure that they have the right guy,” and an officer read him the “Victim[’s] Bill of Rights.”

The police lined the three individuals up about 20 feet from the police car. J.R. recognized V.B. and the lookout. It was still

¹ J.R. testified his “backpack was still being held,” so he “managed to . . . take my arms off of it and run towards my sister.” His testimony is unclear as to who, if anyone, held his backpack.

light outside and J.R. could see V.B.'s face. J.R. identified V.B., telling the officers, " 'That's him.' " ²

After the prosecution rested, V.B.'s counsel moved to dismiss the petition under Welfare and Institutions Code section 701.1, arguing there was insufficient evidence of two robberies having been committed. The prosecution argued the People were proceeding under an aiding and abetting theory and J.R. had constructive possession of the laptop. The court denied the motion. V.B. opted not to testify.

The court heard closing arguments on August 6, 2018, and asked counsel to address the lesser included offense of attempt in their arguments. The court found count one as to victim J.R. true on the lesser included offense of attempted robbery, and found count two as to victim G.R. true for second degree robbery. The court declared V.B. a ward of the juvenile court and ordered him home on probation. V.B. filed a timely notice of appeal.

We appointed counsel to represent V.B. on appeal. After examining the record, counsel filed an opening brief raising no issues and asking this court to review the record independently. On February 1, 2019, we advised V.B. that he had 30 days within which to submit personally any contentions or issues he wished us to consider. To date, we have received no response.

We have examined the entire record, and we are satisfied that V.B.'s counsel has fully complied with her responsibilities and that no arguable issues exist. (*People v. Kelly* (2006) 40 Cal.4th 106, 109-110; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

² The parties stipulated that both J.R. and G.R. identified V.B. in the courtroom and during the field show-up.

DISPOSITION

The judgment is affirmed.

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EGERTON, J.

We concur:

EDMON, P. J.

LAVIN, J.